NOTICE OF MEETING AND PLANNING COMMISSION AGENDA

CITY OF OSAGE BEACH
PLANNING COMMISSION MEETING

1000 City Parkway
Osage Beach, MO 65065
573.302.2000
www.osagebeach.org

TENTATIVE AGENDA

REGULAR MEETING

May 9, 2023 - 6:00 PM
CITY HALL

***** Note:*** *Alcohol should be turned off or silenced during the meeting. Meeting packets are available on the City website at www.osagebeach.org.*

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES

A. Motion to approve January 10, 2023 Planning Commission Meeting Minutes

NEW BUSINESS

A. Presentation -Amendment to PUD - Topsider - 1065 Topsider Lane

ADJOURN

PLANNING DEPARTMENT
REPORT TO THE
PLANNING COMMISSION

Date:	May 9, 2023	**Case Number:**	**421**

Applicant: Topsider Condominiums, LLC.

Location: Osage Beach Parkway to Topsider Lane

Petition: PUD 1 Overlay amendment to allow 147 condominium units on 8.5 acres and a hotel/restaurant on the remaining 2 acres.

Existing Use: Currently has condo buildings from the original approval occupied with more units under construction.

Zoning: C-1 (General Commercial) and C-1b (Commercial Lodging) with a PUD 1 Overlay for 139 condo units, a restaurant, and a hotel.

Tract Size: 10.5 acres

	Surrounding Zoning:	**Surrounding Land Use:**
North:	R-1b (Single Family)	Mcfield Subdivision
South:	C-1 (General Commercial)	Osage Beach Pkwy Corridor
East:	C-1 (General Commercial)	Osage Beach Pkwy Corridor
West:	LU (Lake Use)	Lake of the Ozarks

The Osage Beach Comprehensive Plan
Designates this area as appropriate for: Heavy Traffic Commercial

Rezoning History	**Case #**	**Date**
N/A		

Utilities

Water:	City	**Gas:**	Summit
Electricity:	Ameren UE	**Sewer:**	City

Access: Property derives access from Osage Beach Parkway.

Analysis:

1. The applicants are the owners of the 10.5 acres in question. The property is currently zoned C-1 (General Commercial) and C-1b (Commercial Lodging) with a PUD 1 Overlay for 139 condo units, a restaurant, and a hotel.

2. The applicant is requesting an amendment to the current PUD to allow an additional eight (8) condominium units while combining the restaurant and hotel, required by the original PUD, into a single facility. Combining the restaurant and hotel into one facility will allow them the flexibility to add the needed property to the condominium portion of the development that is required to meet the density requirements for the additional eight units that are being proposed. If amended, the PUD will continue to assure the uses within the development are limited to the subject resort residential and commercial uses and will provide protection for the buyers of the condo units themselves. The PUD will also allow the three uses in the development to share the parking amenities for the overall development which provide the necessary number of spaces for each of the uses.

3. As you can see on the new site development plan, the C-1b (condo development) portion of the development is comprised of 8.5 acres while the C-1 (hotel, restaurant) area consists of the remaining 2.0 acres.

4. The existing entrance into the property will provide access to the development.

5. The character of surrounding development is primarily commercial with the highway commercial corridor. Mcfield subdivision is located to the North, the proposed use should provide them with a less intense use than what has taken place on the subject property in the past.

6. The development will be required to meet the zoning code requirements of the specific zones that each use falls in unless otherwise listed with the PUD permitted uses. All construction is required to meet the Building Codes that have been adopted at the time in which the Building Permit is issued for each specific building. The Osage Beach Design Guidelines will be followed in the design and construction of the developmental services (sewer, water, streets, etc.).

Department Comments and Recommendations:

The PUD is a zoning tool to offer flexibility within the rigid zoning districts by allowing mixed-use developments that adhere to the goals and objectives of the Comprehensive Plan. In this situation we have an amazing piece of commercially zoned property that was once the home of the Topsider Lakefront Entertainment venue. The Topsider provided the City, its People, and visitors a place to enjoy each other and the activities that make this lake a destination for people from all over our country for nearly 40 years. This piece of property is one of two like it in our community. It has lake frontage, Osage Beach Parkway frontage, and direct access to the Highway 54 Interchange. Obviously, those aspects are hard to come by making this piece very valuable to both the owners and the community.

When the original request was approved back in 2020, it was important to the City to maintain some commercial activity on the subject property so it would have continued income value for the community. At the time, the applicant submitted a plan that had both a restaurant and a hotel, in separate facilities, which required more property for the development and the necessary amenities of those uses. The applicant is now planning to combine the restaurant and hotel uses into one facility giving them slightly more property to devote to increasing the density of the condo development by 7 units to a total of 147 units.

Keep in mind that once this request is approved, the only development that can take place within the PUD District are those that conform to the permitted uses and regulations of the PUD itself. This includes everything from facility construction to infrastructure development.

Keeping in mind the existing conditions of the subject property, a recommendation of Heavy Traffic Commercial for the property by the Comprehensive Plan, I believe the proposed amendment will be a benefit to the developer while still accomplishing the commercial use goals of the community; **the Planning Department recommends approval of this request subject to the following provisions:**

Permitted Uses:

The development as illustrated in the submitted site development plan:

1) 147 condominium units
2) Minimum 72 room hotel facility with a 250-seat restaurant facility within the same structure.

Construction of the hotel and restaurant facilities can vary from the illustrated site plan to accommodate varying design preferences of the ownership provided the use requirements, parking requirements, and all other Building and Zoning Codes can be met.

Any other proposed use that deviates from the uses permitted in the above listed regulatory documents will require an amendment to the approved PUD.

Construction:

Construction shall be in accordance with the Building Codes as adopted by the City of Osage Beach at the time of Building Permit acquisition for each individual facility.

Bulk, Area, and Height Requirements:

Shall be in conformance with the Building Code, the final PUD document, and the Project Development Plan.

Public Facilities:

Engineering plans for water, streets, and sewer improvements will be submitted with the preliminary plat. These plans, including a drainage plan, must be submitted and approved prior to development. Coordination with the City Engineer is required to ensure that all public improvements are sized and designed to accommodate future phases of development and adjacent properties.

1. All required public improvements will be constructed by the applicants or subsequent owner(s). Financial assurances must be provided in conjunction with the preliminary and final plats.
2. Any infrastructure to be dedicated to the City of Osage Beach into any of the public systems must go through the required procedure for acceptance by the City.
3. Any existing Public Rights of Way to be vacated as part of this development must also go through the proper procedure as required by the City Code of Ordinances for the vacation of roads.

Access:

Access shall be derived from Osage Beach Parkway as illustrated in the PUD Site Plan. All street construction or improvements to the existing roads must conform to the city design guidelines.

Parking:

All development shall, at minimum, adhere to Osage Beach off-street parking requirements and the parking requirements as established in the final PUD Document at the time that it is constructed.

Buffering and Screening:

Buffering and screening shall be required as per the Osage Beach Zoning Code for the C-1 (General Commercial) and C-1b (Commercial Lodging) zones.

Exterior Lighting:

1. Exterior lighting shall be designed, located and constructed to eliminate or significantly reduce glare and/or a general increase in lighting intensity within the adjoining existing residential area(s). Additionally, all exterior lighting shall be so arranged and shielded so as to confine all direct light rays within the boundaries of this district.

2. All street lighting proposed shall meet the City's standards for street lighting for the specific designation for each roadway (thoroughfare, collector, local etc.). Applicants should coordinate with the City's Engineering Department on street lighting installations.

Signage:

All signage within the PUD District will be required to meet the city sign code and a permit must be acquired from the city prior to construction or placement of all signage whether it is a development wide or individual facility sign.

Maintenance of Open Space and Common Areas:

The maintenance of common area and facilities within the District shall remain the responsibility of the developer(s) or shall be assumed by a legally constituted property owners association that meets all the legal requirements prescribed by the City Attorney.

Platting:

All development within this PUD must be platted in accordance with Osage Beach Subdivision Regulations. The uses permitted and the intensity of development as prescribed by the approval of this PUD shall not be subject for review during the platting process.

Final Development Plan:

1. A final PUD development plan for the property has been submitted to the Planning Department and is enclosed in your packet. The submitted document is in line with the recommendations within this report and is ready for the Planning Commission to review and make a recommendation to the Board of Aldermen.

2. The preliminary plat and final plats will require complete review and approval as specified in the City of Osage Beach Subdivision Code.

Date Received: 4-19-23
Case #: 4-21

REZONING/SPECIAL USE PERMIT APPLICATION

1. Name of property owner: Topsider Condominiums, LLC Phone: (573) 216-1974

   Address: P. O. Box 450 City: Osage Beach State MO Zip: 65065

   List all owners of the property. If corporation or partnership, list names, addresses and phone numbers of principal officers or partners: Stuart Dabbs PO BOX 450 Osage Beach - 314-680-0681 Richard Friend PO BOX 450 Osage Beach - 573-760-3407 Chris Ahring PO BOX 450 Osage Beach 573-701-3121 John Lock PO BOX 450 Osage Beach 5732161974

2. Name of landowner's representative, if different from above: John Lock Phone: 573-216-1974

   Address: PO BOX 450 City: Osage Beach State: MO Zip: 65065

3. All correspondence relative to this application should be directed to whom? John Lock

   Address: P.O. Box 450 City: Osage Beach State MO Zip: 65065

4. General location of property to be rezoned or for which special use permit is sought (include street numbers for existing structures):

   Address: 1065 Topsider Lane City: Osage Beach State MO Zip: 65065

   NE Corner of HWY 54 Grand Glaize Bridge.

5. Do you have a specific use proposed for this property? ☑ Yes ☐ No

   Explain all uses: Commercial Area: 5-story 72-room hotel with 250-seat restaurant on 87,265 ft² of the property.

   Condominium Area: 5 buildings totaling 147 units on 370,070 ft² of the property.

6. Area of property in square feet or acres: 457,335 ft² or 10.50 acres

7. Current zoning classification: C-1 & C-1b with PUD 1 overlay for the development of condominiums, a hotel & a restaurant

8. Sources of utilities: Water: City of Osage Beach Gas: Summit Natural Gas

   Sewer: City of Osage Beach Electric: Ameren Missouri

9. Proposed zoning classification: None, Amend PUD to increase condominium units from 139 units to 147 units

10. How long have you owned this property? 2 years

11. Current use of property (describe all improvements): Condominiums with future hotel and restaurant

12. Current use of all property adjacent to subject property: North: Residential

    South: US Highway 54 East: Commercial West: Commercial Condominiums

13. If zoning district or comparable use to that proposed adjoins or lies within the vicinity of subject property, please describe the use and its location:

Condominiums exist nearby

14. Do you own property abutting or in the vicinity of the subject property? ☑ Yes ☐ No

If yes, where is the property located and why was it not included with this application?

15. Do any private covenants or restrictions encumber the subject property which could be in conflict with the proposed zoning classification? ☐ Yes ☑ No

If yes, please remit copy of restrictions with Recorder of Deeds Book and Page number.

16. To your knowledge, has any previous application for the reclassification of the subject property been submitted? ☑ Yes ☐ No

17. How, in your opinion, will the rezoning affect public facilities (sewer, water, schools, roads, etc.), and what mitigating measures are proposed to address these problems, if any? Please include a letter from or regarding, City Engineering Department reviews of proposed zoning.

The necessary infrastructure improvements have been installed to support the 8 additional units.

18. How, in your opinion, will rezoning affect adjacent properties and what mitigating measures are proposed to address these problems, if any?

No problems are foreseen.

19. List the reasons why, in your opinion, this application for rezoning/special use permit should be granted (may be left blank if adequately described in letter to Planning Commission):

The request for 8 additional condominium units will not change the overall scope of the project for mixed-use development. The space necessary for parking and the additional units is available on site without reducing the commercial part of the development.

Notary Information

State of Missouri }
ss
County of Camden }

I, [signature], owner/applicant, having read the procedures and instructions, make application for a change in the zoning district boundary lines as shown on the zoning maps of the City of Osage Beach, Missouri and explained in this application.

Signature Owner/Applicant: [signature] Date: 4-4-23

Subscribed and sworn to before me on this 4th day of April, 20 23

Notary Public: Melissa Robinson

My Commission Expires: June 18, 2023

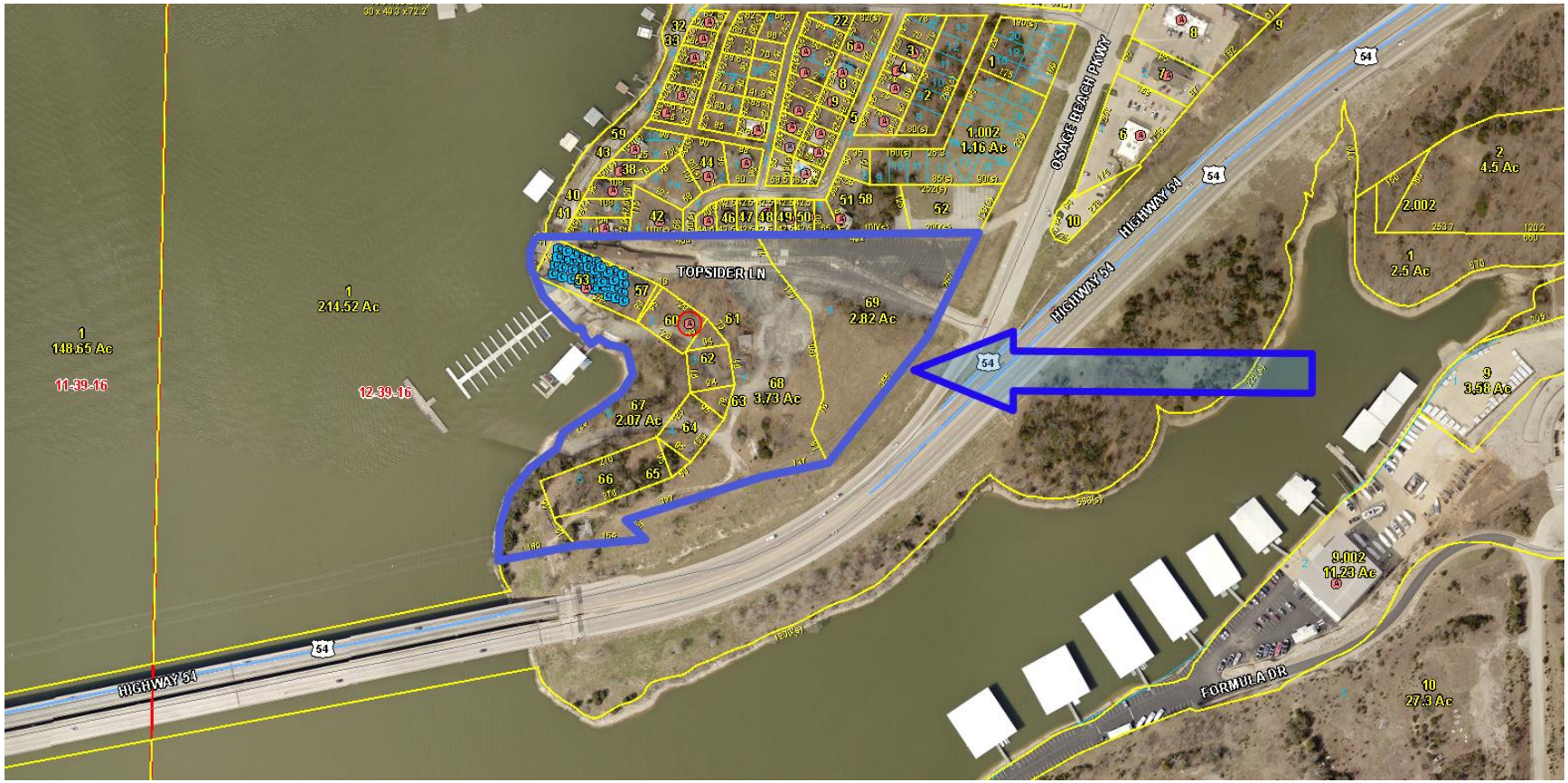
Person Accepting this Application:

NOTARY PUBLIC (Seal) NOTARY SEAL STATE OF MISSOURI

MELISSA ROBINSON
My Commission Expires
June 18, 2023
Camden County
Commission #19999983

***Applications not properly signed and notarized may be removed from the Agenda and returned to the applicant via regular mail ***

CITY OF OSAGE BEACH
PLANNING DEPARTMENT
1000 CITY PARKWAY
OSAGE BEACH, MO 65065
573-302-2000 Phone – 573-302-0528 FAX



NORTH

Rezoning Case
421 Location Map

TOPSIDER SUBDIVISION

ZONING DRAWING

DRAWING DATE:	04/14/2023
REVISIONS:	
DRAWN BY:	LRS
SCALE:	1" = 50'
PROJECT #:	MC 23086
SHEET:	1 OF 2
FIELD BOOK:	M-295 PG 25
MO LSC NO.	2011027104

Note:

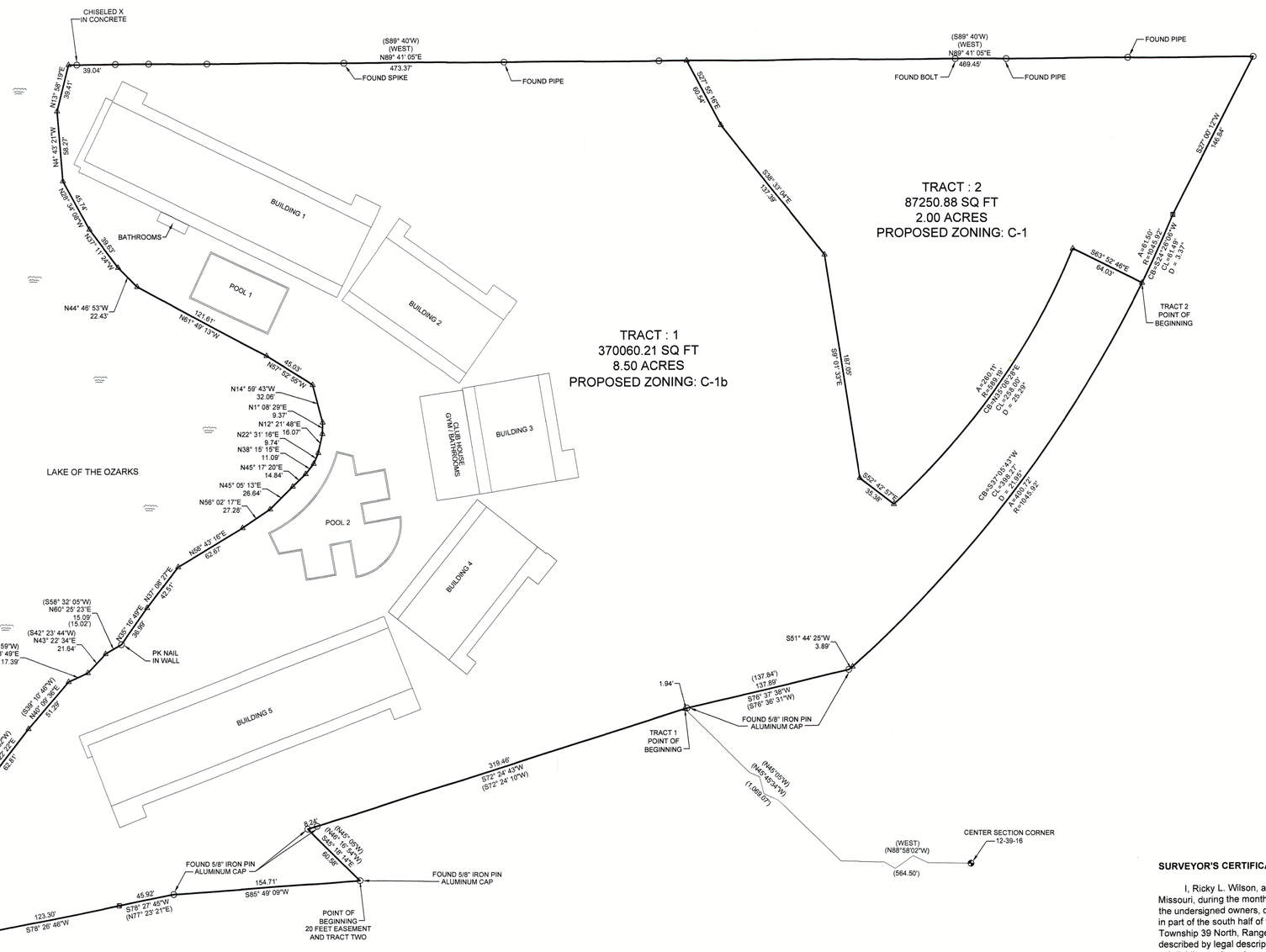
1. *Bearings and Distances in parenthesis are from recorded deed(s) and/or plat(s).*
2. *All monuments set and found are 1/2" Iron Pins, unless otherwise noted.*
3. *Subject to Ameren's Bagnell Dam Pool and Flood Rights.*
4. *Basis of Bearings for this plat is the Missouri State Plane Coordinate System.*
5. *The Boundary of the property surveyed at the request of the owner as described in the Warranty Deed filed in Book 840, Page 907 in the Camden County Recorder's Office.*
6. *This survey drawing has been created for the purposes of zoning.*

LEGEND

Standard symbols that may appear on this drawing

- 2' Contours
- 10' Contours
- Shoreline
- Water Line
- Electric Line
- Sewer Line
- Telephone Line
- Centerline of Road
- R-O-W Line
- Property Line
- Setbacks
- Old Lot Line
- Structures
- Fence Line
- Closure Line
- Treeline
- Found Monument
- Set Monument
- No Found or Set Monument
- Government Corner
- Right-of-way Marker
- Grinder Pump
- Utility Pole
- Lift Station
- Telephone Box
- Sign
- Sewer Valve
- Manhole
- Cleanout
- Tree
- Water Valve
- Electric Box
- Water Meter
- Cable TV
- Water Hydrant

Class of Survey: URBAN



LAND DESCRIPTION

All of Lots 1-8 of Topsider Subdivision, a subdivision of record in the Camden County Recorder's Office Plat Book 170, Page 49.

Subject to United States Highway No. 54, Osage Beach Parkway and to any other rights-of-way, easements or restrictions of record or not.

0 50 100 150

GRAPHIC SCALE-FEET
SCALE 1" = 50'

SURVEYOR'S CERTIFICATE

I, Ricky L. Wilson, a registered Land Surveyor in the State of Missouri, during the months of March and April, 2023, by order of the undersigned owners, did survey and plat a tract of land located in part of the south half of the northwest quarter of Section 12, Township 39 North, Range 16 West, Camden County, Missouri, as described by legal description herein, for the purpose of subdividing and naming same in the manner shown hereon. The plat contains all information required by Chapter 448 R.S.MO (Supp. 1983), the Missouri Uniform Condominium Act, except that it is not feasible to include a description of all easements thereon. The survey was performed in accordance with the requirements of the standards for property boundary surveys adopted by the Missouri Board of Architects, Professional Engineers and Land Surveyors.The attached plat is a representation of said survey and resubdivision.

In Witness Whereof, I have hereunder signed and sealed the foregoing this 17 day of April, 2023.

Ricky L Wilson

Ricky L. Wilson
MO. REG. NO. L.S. 2638

PART OF THE SOUTH HALF OF NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 39 NORTH, RANGE 16 WEST, CAMDEN COUNTY, MISSOURI

MILLER COMPANIES
Engineering • Land Surveying • Environmental Services
P.O. BOX 282, OSAGE BEACH, MO 65065
Eng. (573)348-9799 Surv. (573)348-5552 Fax (573)348-2894
www.themillercos.com

STATE OF MISSOURI LS-2638 RICKY L. WILSON REGISTERED LAND SURVEYOR SEAL

FILE LOCATION: S:\Projects\PROJECTS\TOPSIDER CONDOMINIUMS LLC\23086 AMENDED PLAT\21207 REV 20230309.dwg

N

50 0 50 100

DRAWING DATE: 03/30/2023	
REVISIONS:	
DRAWN BY:	SLB
SCALE:	1" =50'
PROJECT #:	22-265

TOPSIDER CONDOMINIUMS
SITE PLAN
OSAGE BEACH, MO 65065

MO Certificate of Authority No.
E-2011027014

SEAL

Preliminary
Not for Construction

Lee R. Schuman
PE-2014000084

MILLER COMPANIES
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P.O. BOX 382, OSAGE BEACH, MO 65065
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www.themillerco.com

FILE LOCATION: MillerCo_Share\Projects\TOPSIDER CONDOMINIUMS LLC\Topsider Hotel Site Plan 03.29.2023.dwg

SHEET

PLAN-01